

Exhibit 2

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELODIE PASSELAIGUE, on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

GETTY IMAGES (US), INC., GETTY
IMAGES, INC., BILL DIODATO
PHOTOGRAPHY, LLC, and BILL
DIODATO,

Defendants.

Case No. 16-cv-01362-VSB-BCM

**PLAINTIFF'S SECOND SET OF
REQUESTS FOR THE PRODUCTION
OF DOCUMENTS TO DEFENDANT
GETTY IMAGES (US), INC.**

Plaintiff Elodie Passelaigue, by and through her undersigned counsel, pursuant to Fed. R. Civ. P. 26 and 34, hereby serves a first set of requests for the production of documents on defendant Getty Images (US), Inc.

I. DEFINITIONS & INSTRUCTIONS

Definitions

1. Pursuant to the Local Civil Rules for the Southern and Eastern Districts of New York, these Document Requests incorporate by reference the Uniform Definitions in Discovery Requests set forth in Local Civil Rule 26.3(c), regardless of whether or not those defined terms appear below in capital letters.

2. In addition, the following definitions shall apply:

a. "YOU," "YOUR," and "GETTY" shall mean defendants Getty Images (US), Inc. and, where applicable, any predecessors and/or successors

in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

b. “PLAINTIFF” means plaintiff Elodie Passelaigue and, where applicable, any employers, employees, attorneys, agents, other representatives and all other PERSONS acting under her control or on her behalf.

c. “DIODATO” means defendants Bill Diodato and Bill Diodato Photography LLC, and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

d. “CORBIS” means Corbis Corporation and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

e. “IMAGES” means the photographs taken by DIODATO, depicting one or more persons, and available for license from GETTY at any time under DIODATO’s pseudonym, Adrianna Williams.

f. “MODEL RELEASES” means any document purporting to convey to a photographer any rights concerning an image, including without limitation ownership or usage rights, e.g. but not limited to the type of document constituting the Model Release attached to the Complaint as Exhibit 3 (Dkt. No. 1, at 63).

g. “VISUAL CHINA GROUP” means Visual China Group and, where applicable, any predecessors and/or successors in interest, present and former parents, subsidiaries, divisions and affiliates, and present and former directors, employers, employees, attorneys, agents, other representatives and all other PERSONS acting under their control or on their behalf.

Instructions

3. These document requests are continuing, and YOU are required to supplement YOUR responses seasonably.

4. If YOU object to any request, state with specificity all grounds for YOUR objection; any ground not stated in an objection shall be deemed waived.

5. If YOU assert a claim of privilege in objecting to any request or subpart thereof, and withhold information in full or in part or do not provide a response on the basis of such assertion:

- a. In the objection to the request, identify the privilege being claimed or asserted;
- b. Provide the following information in the objection: (A) the type of DOCUMENT; (B) the general subject matter of the DOCUMENT; (C) the date of the DOCUMENT; and (D) other information sufficient to identify the DOCUMENT, including the author(s), addressee(s), copyholder(s) (including "blind" copyholder(s)), and, where not apparent, the relationship of the author(s) to the addressee(s) and copyholder(s).

6. In responding to these requests, YOU are required to furnish all DOCUMENTS available to YOU, including DOCUMENTS in the possession, custody, or control of YOUR attorneys, officers, agents, employees, accountants, consultants, representatives, or any PERSONS directly or indirectly employed by YOU or otherwise connected with YOU or YOUR attorneys or anyone else subject to YOUR control. All DOCUMENTS that are responsive, in whole or in part, to any portion of these requests shall be produced in their entirety, including all attachments.

7. All DOCUMENTS should be produced as they are kept in the ordinary course of business or should be organized and labeled to correspond to the specific requests to which they are responsive. All DOCUMENTS should be produced in any file folder or carton in which they have been maintained, and should be stored, clipped, stapled, or otherwise arranged in the same form and manner in which they were found.

8. Electronically Stored Information (ESI) shall be produced consistent with any ESI stipulation entered into by and between the parties, and “so ordered” by the Court.

9. In the event that any DOCUMENT responsive to any request has been destroyed or discarded, identify that DOCUMENT by stating the title (if known) and nature of the DOCUMENT, and furnish a list certified under oath by the document custodian providing the following information with respect to each DOCUMENT: (a) any addressor, addressee, recipients, copyholders; (b) the DOCUMENT’S date, subject matter, number of pages, and attachments or appendices; (c) all PERSONS to whom the DOCUMENT was distributed, shown, or explained; (d) its date of destruction or discard and the manner of destruction or discard; and (e) the PERSONS authorizing and the PERSONS carrying out such destruction or discard.

II. DOCUMENT REQUESTS

Request No. 14

To the extent not already produced in response to other requests, all Communications between YOU and PLAINTIFF CONCERNING the IMAGES or MODEL RELEASES, or otherwise CONCERNING any of the allegations in the Complaint.

Request No. 15

To the extent not already produced in response to other requests, all Communications between YOU and any model depicted in the 444 Rights Managed

IMAGES, or the model's employers, employees, attorneys, agents, representatives, or other PERSONS acting under the model's control or on the model's behalf, CONCERNING the IMAGES or MODEL RELEASES, or otherwise CONCERNING any of the allegations in the Complaint.

Request No. 15

All DOCUMENTS referenced or relied upon in answering any interrogatory served in this action.

Request No. 16

The Contributor Agreement between YOU and DIODATO.

Request No. 17

All DOCUMENTS supporting YOUR assertion that this case cannot be maintained as a class action.

Request No. 18

All DOCUMENTS supporting YOUR assertion that this is a case of "model's remorse."

Request No. 19

All DOCUMENTS purporting to convey to YOU any rights CONCERNING the IMAGE identified on YOUR website as "Creative #: 10434251" and described as "Beauty Portrait of Brunette Woman."

Request No. 20

Policies or procedures CONCERNING the acceptance of MODEL RELEASES.

Request No. 21

Policies or procedures CONCERNING the vetting of MODEL RELEASES.

Request No. 22

Policies or procedures CONCERNING receiving or responding to complaints that images offered for license by YOU.

Request No. 23

To the extent not produced in response to any other request, policies or procedures CONCERNING the treatment or handling of images for which YOU have received complaints and/or which YOU or the submitting photographer has been accused of licensing or otherwise using unlawfully.

Dated: September 28, 2016



THOMAS A. CANOVA (TC 7270)

tom@jackfitzgeraldlaw.com

JACK FITZGERALD (JF 3831)

jack@jackfitzgeraldlaw.com

TREVOR M. FLYNN (*pro hac vice*)

trevor@jackfitzgeraldlaw.com

MELANIE PERSINGER (*pro hac vice*)

melanie@jackfitzgeraldlaw.com

THE LAW OFFICE OF JACK FITZGERALD, PC

Hillcrest Professional Building

3636 Fourth Avenue, Suite 202

San Diego, California 92103

Phone: (619) 692-3840

Fax: (619) 362-9555

Attorneys for Plaintiff and the Proposed Class